

Assembly Bill No. 538

Passed the Assembly July 16, 2009

Chief Clerk of the Assembly

Passed the Senate July 9, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 653y of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 538, Arambula. Emergency telephone system: abuse.

Under existing law, any person who knowingly allows the use of, or who uses, the 911 telephone system for any reason other than because of an emergency is guilty of an infraction.

This bill would authorize an entity that provides emergency medical services to report a violation of this law to the public safety entity that originally received the call. The bill would require the public safety entity originally receiving the call, if the public safety entity has verified that a violation has occurred, to issue the applicable warnings and citations, as specified. By imposing new duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 653y of the Penal Code is amended to read:

653y. (a) Any person who knowingly allows the use or who uses the 911 telephone system for any reason other than because of an emergency is guilty of an infraction, punishable as follows:

(1) For a first violation, a written warning shall be issued to the violator by the public safety entity originally receiving the call describing the punishment for subsequent violations. The written warning shall inform the recipient to notify the issuing agency that

the warning was issued inappropriately if the recipient did not make, or knowingly allow the use of the 911 telephone system for, the nonemergency 911 call. The law enforcement agency may provide educational materials regarding the appropriate use of the 911 telephone system.

(2) For a second or subsequent violation, a citation may be issued by the public safety entity originally receiving the call pursuant to which the violator shall be subject to the following penalties that may be reduced by a court upon consideration of the violator's ability to pay:

(A) For a second violation, a fine of fifty dollars (\$50).

(B) For a third violation, a fine of one hundred dollars (\$100).

(C) For a fourth or subsequent violation, a fine of two hundred fifty dollars (\$250).

(b) The parent or legal guardian having custody and control of an unemancipated minor who violates this section shall be jointly and severally liable with the minor for the fine imposed pursuant to this section.

(c) For purposes of this section, "emergency" means any condition in which emergency services will result in the saving of a life, a reduction in the destruction of property, quicker apprehension of criminals, or assistance with potentially life-threatening medical problems, a fire, a need for rescue, an imminent potential crime, or a similar situation in which immediate assistance is required.

(d) Any entity that provides emergency medical services, as defined in Section 1797.72 of the Health and Safety Code, may report a violation, as described in subdivision (a), to the public safety entity that originally received the call. If it is verified by the public safety entity that a violation has occurred, the public safety entity originally receiving the call shall issue the applicable warnings and citations, as specified in paragraphs (1) and (2) of subdivision (a).

(e) Notwithstanding subdivision (a), this section shall not apply to a telephone corporation or any other entity for acts or omissions relating to the routine maintenance, repair, or operation of the 911 or 311 telephone system.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2009

Governor